The Court of Appeals, in affirming the judgment of the Appellate Division, expressly repudiates the theory of subrogation, and bases the right of action on the breach of the legal duty to support. For a discussion of the principles involved see 24 HARV. L. REV. 306.

INJUNCTIONS — ACTS RESTRAINED — BILL OF REVIEW IN ANOTHER STATE. — The wife of a divorcee sued in New York to enjoin the first wife from prosecuting an action in Illinois to annul the decree of divorce granted by the Illinois court. The Illinois decree had previously been adjudged valid by the New York courts in an action by the first wife against the divorcee. *Held*, that the injunction should not be granted. *Guggenheim* v. *Wahl*, 203 N. Y. 390, 96 N. E. 726.

It is clearly settled that a court of equity can enjoin parties within its jurisdiction from proceeding in an action in a foreign state when it would be inequitable to compel the complainant to defend in that state. *Gordon* v. *Munn*, 81 Kan. 537, 106 Pac. 286; *Miller* v. *Miller*, 66 N. J. Eq. 436, 58 Atl. 188. In general, the proceeding to restrain which an injunction is granted involves questions which are in litigation or could properly be litigated in the jurisdiction in which the injunction is granted. *Von Bernuth* v. *Von Bernuth*, 76 N. J. Eq. 177, 73 Atl. 1049; *Kempson* v. *Kempson*, 58 N. J. Eq. 94, 43 Atl. 97. In the principal case, however, the only forum in which the defendant can bring a bill of review is in Illinois. *Mathias* v. *Mathias*, 202 Ill. 125, 66 N. E. 1042. This seems to the court to be conclusive. It should at least, it is submitted, be of very great weight, on the ground of comity. *Bigelow* v. *Old Dominion Copper Mining, etc. Co.*, 74 N. J. Eq. 457, 71 Atl. 153. See *Harris* v. *Pullman*, 84 Ill. 20, 28; *Peck* v. *Jenness*, 48 U. S. 612, 624–625. As it is not shown that the complainant cannot get full and adequate relief in Illinois, the injunction is properly refused. Nor is the holding inconsistent with the doctrine of *res judicata*, for the complainant was not a party to the previous suit in New York.

INJUNCTIONS — ACTS RESTRAINED — PRIVATE NUISANCE ENJOINED THOUGH INJUNCTION CAUSES EXCESSIVE HARDSHIP. — The defendant, a large cement manufacturing company, was enjoined from continuing operations because a neighboring fruit-grower showed that the dust, unavoidably liberated from its furnaces, was a nuisance to him. On appeal, the defendant prayed a stay of the injunction pending the appeal and showed that the shutting down of its plant, even temporarily, would cause tremendous losses to it. *Held*, that the defendant is not entitled to the stay. *Hulbert* v. *California Portland Cement Co.*, 118 Pac. 928 (Cal.).

This decision accords with the well-established rule that a court of equity will interfere to prevent "private eminent domain." The court refuses to give any weight to the so-called "balance of hardship" doctrine that is finding favor with a growing minority of the American courts and is rapidly infringing upon the older rule. For a discussion of this doctrine see 22 HARV. L. REV. 596.

LEGACIES AND DEVISES — PAYMENT — INTEREST ON LEGACY PAYABLE OUT OF REVERSIONARY PROPERTY. — A testator bequeathed £10,000 to his sister to be paid out of the estate inherited by him from his mother. This consisted of a reversion following a life interest in his father. The testator died seven years before his father. *Held*, that the sister's legacy bears interest from the expiration of one year after the death of the testator. *Re Walford*, 132 L. T. J. 58 (Eng., C. A., Nov. 1, 1911).

The general rule is that when no particular time is set for the payment of legacies, they are payable with interest from the expiration of one year after the death of the testator. See *Lord* v. *Lord*, L. R. 2 Ch. 782, 789. The appli-